

## REMARKS

Applicants have amended claims 25, and have cancelled claims 35-54, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner objected to the drawings.

The Examiner objected to claims 25, 35 and 45.

The Examiner rejected claims 25, 30-35, 40-45 and 50-54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman et al. ("Guttman"), U.S. Patent No. 6,988,241 B1, issued January 2006, in view of Bargerion et al. ("Bargerion"), U.S. Patent No. 7,246,311 B2, issued July 2007, provisional application No. 60/488,169 filed July 2003.

The Examiner rejected claims 26-29, 36-39 and 46-49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman in view of Bargerion, and further in view of Moss et al. ("Moss"), U.S. Patent No. 5,613,131, issued March 1997.

Applicants respectfully traverse the drawings objections, claims objections and § 103 rejections with the following arguments.

### **Drawings Objections**

The Examiner objected to the drawings.

The Examiner argues: “New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 2-6 are blurry and unreadable. Figures 13A, 18A and 18B are illegible.”

In response, Applicants have submitted herewith replacement sheets for Sheets 1, 2, 3, 12, and 18 of the drawings that encompass FIGS. 2-6, 13A, 18A, and 18B.

The Examiner additionally argues: “Figure 17F appears to be blank for elements 2270-2275, which are referenced in the Specification at p. 19-20, therefore a replacement drawing may be required.”

In response, Applicants respectfully note that elements 2270-2275 in FIG. 17F on Sheet 12 serve to identify the structure (records, cells, bottom footer part, top header part, middle body part) of table 2270 and thus appear in FIG. 17F as intended.

**Claims Objections:**

The Examiner objected to claims 25, 35 and 45.

Since claims 35 and 45 have been cancelled, the objection to claims 35 and 45 is moot.

As to claim 25, the Examiner argues: "Claim 25 is objected to because of the following informalities: claim 25 at line 13 has a misspelling of the word "instancing"."

In response, Applicants have amended claim 25 to correct the aforementioned spelling error in claim 25 identified by the Examiner.

Based on the previous argument, Applicants respectfully request that the objection to claim 25 be withdrawn.

**35 U.S.C. § 103: Claims 25, 30-35, 40-45 and 50-54**

The Examiner rejected claims 25, 30-35, 40-45 and 50-54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman et al. ("Guttman"), U.S. Patent No. 6,988,241 B1, issued January 2006, in view of Bargerion et al. ("Bargerion"), U.S. Patent No. 7,246,311 B2, issued July 2007, provisional application No. 60/488,169 filed July 2003.

Since claims 35, 40-45, and 50-54 have been cancelled, the rejection of claims 35, 40-45, and 50-54 under 35 U.S.C. § 103(a) is moot.

With respect to claims 25 and 30-34, Applicants respectfully contend that both Guttman and Bargerion cannot be used as prior art references against the currently pending claims, as explained *infra*.

Since Guttman and/or Bargerion cannot be used as prior art references against the currently pending claims, Applicants respectfully contend that the rejection of claims 25, 30-35, 40-45 and 50-54 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman in view of Bargerion is improper and should be withdrawn.

### Guttman Cannot Be Used As A Prior Art Reference

Applicants respectfully contend that Guttman cannot be used as prior art in rejecting claims of the present patent application, because “[e]ffective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention ‘were, at the time the invention was made, owned by the same person or subject to assignment by the same person.’” MPEP 706.02(1)(1). First, the present patent claims priority to International Application Number PCT/EP2004/003048 which was published on October 28, 2004 as publication number WO 2004/092977 and has a priority date of April 18, 2003 (03368037.2), which means that the present patent application has an effective filing date of April 18, 2003. Second, the Guttman patent is being considered by the Examiner as prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e), because the Guttman patent issued and was published on January 17, 2006 which is after the effective filing date of April 18, 2003 of the present patent application. Third, both the subject matter of Guttman patent and the claimed invention of the present patent application were, at the time the invention was made, owned by International Business Machines Corporation or subject to assignment by International Business Machines Corporation.

Since Guttman cannot be used as a prior art reference against claims 25 and 30-34, Applicants respectfully contend that the rejection of claims 25 and 30-34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman in view of Bargerion is improper and should be withdrawn.

### Bargeron Cannot Be Used As A Prior Art Reference

Applicants respectfully contend that Bargeron cannot be used as prior art in rejecting claims of the present patent application, because the present patent application has an effective filing date of and was published on January 17, 2006 which is after the effective filing date of April 18, 2003 which precedes the date of July 17, 2003 of provisional application Number 60/488,169 to which Bargeron claims priority.

Applicants note that the present patent claims priority to International Application Number PCT/EP2004/003048 which was published on October 28, 2004 as publication number WO 2004/092977 and has a priority date of April 18, 2003 (03368037.2), which means that the present patent application has an effective filing date of April 18, 2003.

Applicants respectfully contend that the Bargeron is being considered by the Examiner as prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e), because the Bargeron was published on January 30, 2007 which is after the effective filing date of April 18, 2003 of the present patent application. Moreover, since the effective filing date of April 18, 2003 of the present patent application precedes the filing date of January 30, 2004 of Bargeron, it is clear that Bargeron must rely on provisional application Number 60/488,169 to which Bargeron claims priority. However, as indicated *supra*, the effective filing date of April 18, 2003 of the present patent application precedes the date of July 17, 2003 of provisional application Number 60/488,169 to which Bargeron claims priority. Therefore, Applicants respectfully maintain that Bargeron cannot be used as a prior art reference against the claims of the present patent application.

In addition, even if the effective filing date of April 18, 2003 of the present patent

application did not precede the date of provisional application Number 60/488,169, Applicants maintain that Bargerion would not be effective for rejecting claims 25 and 30-34, because subject matter in Bargerion that the Examiner relies on for rejecting claims 25 and 30-34 does not exist in provisional application Number 60/488,169. For example, the Examiner relies on Bargerion FIGS 3 and 4 (explicitly cited by Examiner) as well as FIGS. 6, 7A, and 7B (described in Bargerion, col. 13, line 36 - col. 15, line 36 which the Examiner relies on). However, FIGS. 3, 4, 6, 7A, and 7B of Bargerion all do not exist in provisional application Number 60/488,169. Thus, provisional application Number 60/488,169 does not support subject matter in Bargerion that the Examiner relies on and is thus ineffective for providing a priority date for Bargerion that precedes the actual filing date of January 30, 2004 of Bargerion. Therefore, Applicants respectfully maintain that Bargerion cannot be used as a prior art reference against the claims of the present patent application.

Since Bargerion cannot be used as a prior art reference against claims 25 and 30-34, Applicants respectfully contend that the rejection of claims 25 and 30-34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman in view of Bargerion is improper and should be withdrawn.

**35 U.S.C. § 103(a): Claims 26-29, 36-39 and 46-49**

The Examiner rejected claims 26-29, 36-39 and 46-49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman in view of Bargerion, and further in view of Moss et al. ("Moss"), U.S. Patent No. 5,613,131, issued March 1997.

Since claims 36-39 and 46-49 have been cancelled, the rejection of claims 36-39 and 46-49 under 35 U.S.C. § 103(a) is moot.

With respect to claims 26-29 and in light of the dependence of claims 26-29 on claim 25, Applicants respectfully contend that both Guttman and Bargerion cannot be used as prior art references against claims of the present patent application, which includes claims 26-29, as explained *infra*.

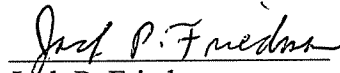
Since Guttman and/or Bargerion cannot be used as prior art references against claims 26-29, Applicants respectfully contend that the rejection of claims 26-29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guttman in view of Bargerion is improper and should be withdrawn.



### CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

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